



4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA-2019-0004-N-11]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of information collection; request for comment.

SUMMARY: Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, this notice announces that FRA is forwarding the Information Collection Requests (ICRs) abstracted below to the Office of Management and Budget (OMB) for review and comment. The ICRs describe the information collections and their expected burden. On May 30, 2019, FRA published a notice providing a 60-day period for public comment on the ICRs.

DATES: Interested persons are invited to submit comments on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

ADDRESSES: Submit written comments on the ICRs to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention: FRA Desk Officer. Comments may also be sent via email to OMB at the following address: oir_submissions@omb.eop.gov.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Brogan, Information Collection Clearance Officer, Office of Railroad Safety, Regulatory Analysis Division, Federal Railroad Administration, 1200 New Jersey Avenue, SE, Room W33-497, Washington, DC 20590 (telephone: (202) 493-6292); or Ms. Kim Toone, Information

Collection Clearance Officer, Office of Information Technology, Federal Railroad Administration, 1200 New Jersey Avenue, SE, Room W34-212, Washington, DC 20590 (telephone: (202) 493-6132).

SUPPLEMENTARY INFORMATION: The PRA, 44 U.S.C. 3501–3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. See 44 U.S.C. 3506, 3507; 5 CFR 1320.8 through 1320.12. On May 30, 2019, FRA published a 60-day notice in the Federal Register soliciting comment on the ICRs for which it is now seeking OMB approval. See 84 FR 25110. FRA received no comments in response to this notice.

Before OMB decides whether to approve these proposed collections of information, it must provide 30-days' notice for public comment. Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507(b)–(c); 5 CFR 1320.12(d); see also 60 FR 44978, 44983, Aug. 29, 1995. OMB believes the 30-day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect.

Comments are invited on the following ICRs regarding: (1) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the information will have practical utility; (2) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of

the methodology and assumptions used to determine the estimates; (3) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways to minimize the burden of information collection activities on the public, including the use of automated collection techniques or other forms of information technology.

The summaries below describe the ICRs that FRA will submit for OMB clearance as the PRA requires:

Title: Designation of Qualified Persons.

OMB Control Number: 2130-0511.

Abstract: The collection of information is used to prevent the unsafe movement of defective freight cars. Railroads are required to inspect freight cars for compliance and to determine restrictions on the movements of defective cars; qualified inspectors are necessary to perform this task.

Type of Request: Extension without change of a currently approved collection.

Affected Public: Businesses.

Form(s): N/A.

Respondent Universe: 692 Railroads.

Frequency of Submission: On occasion.

Total Estimated Annual Responses: 1,200.

Total Estimated Annual Burden: 40 hours.

Total Estimated Annual Dollar Cost Equivalent: \$3,080.

Title: Qualification and Certification of Locomotive Engineers.

OMB Control Number: 2130-0533.

Abstract: Section 4 of the Rail Safety Improvement Act of 1988 (RSIA), Pub. L. 100-342, 102 Stat. 624 (June 22, 1988), later amended and re-codified by Pub. L. 103-272, 108 Stat. 874 (July 5, 1994), required FRA to issue regulations to establish any necessary program for certifying or licensing locomotive engineers. The collection of information is used by FRA to ensure that railroads employ and properly train qualified individuals as locomotive engineers and designated supervisors of locomotive engineers. The collection of information is also used by FRA to verify that railroads have established required certification programs for locomotive engineers and that these programs fully conform to the standards specified in the regulation.

Type of Request: Extension with change (revised estimates) of a currently approved collection.

Affected Public: Businesses.

Form(s): N/A.

Respondent Universe: 741 Railroads.

Frequency of Submission: On occasion; annually; triennially.

Reporting Burden¹:

CFR Section	Respondent Universe	Total Annual Responses	Average Time per Response	Total Annual Burden Hours	Total Annual Dollar Cost Equivalent ²
240.9 – Waivers	741 railroads	2 waiver petitions	1 hour	2 hours	\$152

¹ After an internal agency review, FRA updated the PRA estimates.

² Throughout the tables in this document, the dollar equivalent cost is derived from the Surface Transportation Board's Full Year Wage A&B data series using the appropriate employee group hourly wage rate that includes 75 percent overhead charges.

CFR Section	Respondent Universe	Total Annual Responses	Average Time per Response	Total Annual Burden Hours	Total Annual Dollar Cost Equivalent ²
240.101/103 – Cert. Prog: Amendments – Cert. Prog. – New – Final Review – Material Modification to Program	741 railroads 5 railroads 5 railroads 741 railroads	25 amendments 5 programs 5 reviews 10 modified programs	5 minutes 1 hour 1 hour 10 minutes	2 hours 5 hours 5 hours 2 hours	\$152 \$380 \$385 \$152
240.105(b) – (c) Written Reports/ Determinations of DSLE Performance Skills	10 railroads	10 reports	30 minutes	5 hours	\$575
240.109/App. C – Prior Safety Conduct Data	17,667 candidates	25 responses	5 minutes	2 hours	\$116
240.111/App C – Driver’s License Data – NDR Match – notifications and requests for data – Written response from candidate on driver’s license data	17,667 candidates 741 railroads 741 railroads	17,667 requests 177 notices + 177 requests 20 cases/comments	10 minutes 5 min. + 5 min. 10 minutes	2,945 hours 30 hours 3 hours	\$223,820 \$2,010 \$174
240.111(g) – Notice to RR of Absence of License	53,000 candidates	4 letters	5 minutes	.3 hours	\$19
240.111(h) – Duty to furnish data on prior safety conduct as motor vehicle op.	741 railroads	100 communications	5 minutes	8 hours	\$464
240.113 – Notice to RR Furnishing Data on Prior Safety Conduct – Diff. RR	17,667 candidates	353 requests + 353 responses	5 min. + 5 min.	59 hours	\$4,130
240.119 – Self-referral to EAP re: active substance abuse disorder	53,000 locomotive engineers	150 self-referrals	5 minutes	13 hours	\$754
240.121 – Criteria – Vision/Hearing Acuity Data – New Railroads	5 railroads	5 copies	5 minutes	.4 hours	\$32
240.121 – Criteria – Vision/Hearing Acuity Data – Cond. Certification	741 railroads	5 reports	5 minutes	.4 hours	\$32
240.121 – Criteria – Vision/Hearing Acuity Data - Not Meeting Standards – Notice by Employee	741 railroads	10 notifications	15 minutes	3 hours	\$174
240.201/221 – List of Qualified DSLEs	741 railroads	741 updates	5 minutes	62 hours	\$4,712

CFR Section	Respondent Universe	Total Annual Responses	Average Time per Response	Total Annual Burden Hours	Total Annual Dollar Cost Equivalent ²
240.201/221 – List of Qualified Loco. Engineers	741 railroads	741 updated lists	5 minutes	62 hours	\$4,712
240.201/223/301 – Loco. Engineers Certificate – False entry on certificates	53,000 candidates N/A	17,667 certificates N/A	5 minutes N/A	1,472 hours N/A	\$111,872 N/A
240.207 – Medical certificate showing hearing/vision standards are met: written determinations waiving use of corrective device	53,000 candidates 741 railroads	17,667 certificates 30 determinations	30 minutes 5 minutes	8,834 hours 3 hours	\$1,015,910 \$345
240.219 – Denial of Certification	17,667 candidates	30 letters + 30 responses	30 minutes	30 hours	\$2,280
240.227 – Canadian Certification Data	N/A	N/A	N/A	N/A	N/A
240.229 – Joint Operations – Notice – not qualified	321 railroads	184 employee calls	5 minutes	15 hours	\$870
240.309 – RR Oversight Resp.: Detected poor safety conduct - annotation	15 railroads	6 annotations	15 minutes	2 hours	\$116
<u>Recordkeeping</u> 240.205 – Data to EAP Counselor	741 railroads	177 records	5 minutes	15 hours	\$1,725
240.209/213 – Written Tests Records	53,000 candidates	17,667 test records	1 minutes	294 hours	\$22,334
240.211/213 – Performance Test Records	53,000 candidates	17,667 test records	1 minutes	294 hours	\$22,334
240.215 – Retaining info. supporting determination	741 railroads	17,667 records	5 minutes	1,472 hours	\$111,872
240.303 – Annual operational monitor observation records	53,000 candidates	53,000 test records	1 minutes	883 hours	\$67,108
240.303 – Annual operating rules compliance test records	53,000 candidates	53,000 test records	1 minutes	883 hours	\$67,108

CFR Section	Respondent Universe	Total Annual Responses	Average Time per Response	Total Annual Burden Hours	Total Annual Dollar Cost Equivalent ²
240.305 – Engineer’s notice of non-qualification to RR – Relaying certification denial or revocation Status to other certifying railroad	53,000 engineers or candidates	100 notifications	5 minutes	8 hours	\$464
	1,060 engineers	2 letters	15 minutes	1 hour	\$58
240.307 – Notice to engineer of disqualification	741 railroads	1,100 letters	1 hour	1,100 hours	\$73,700
240.309 – Railroad annual review	51 railroads	51 reviews	3 hours	153 hours	\$11,628
TOTAL	741 railroads	217,059 responses	N/A	18,668 hours	\$1,752,700

Total Estimated Annual Responses: 216,630.

Total Estimated Annual Burden: 18,668.

Total Estimated Annual Dollar Cost Equivalent: \$1,752,700.

Title: Roadway Worker Protection.

OMB Control Number: 2130-0539.

Abstract: On June 10, 2016, FRA amended its Roadway Worker Protection (RWP) regulation (see 81 FR 37840) to resolve interpretative issues that had arisen since the original 1996 promulgation of that rule. In particular, this final rule adopted certain terms, resolved miscellaneous interpretive issues, codified certain FRA Technical Bulletins, adopted new requirements governing redundant signal protections and the movement of roadway maintenance machinery over signalized non-controlled track, and amended certain qualification requirements for roadway workers. This final rule also deleted three outdated incorporations by reference of industry standards in FRA’s Bridge

Worker Safety Standards, and cross referenced the Occupational Safety and Health Administration's regulations on the same point.

Under the information collection associated with the RWP rule (49 CFR part 214), FRA collects a variety of information. To ensure compliance with the rule's requirements, FRA collects data on affected railroads' on-track safety programs to determine that railroads have policies, procedures, and practices in place that protect roadway workers from dangers in their work environment. Railroads are required to provide on-track safety manuals to all roadway workers that they can readily consult to determine what on-track safety procedures are required for their work assignment. Under the regulation, railroads are required to provide initial and recurrent training to roadway workers on their on-track safety program. This includes training for roadway workers who work where on-track safety for adjacent controlled tracks is required, and the appropriate practices and procedures they must follow. FRA collects data from railroads on training through the records that they are required to keep. Additionally, FRA collects information on violations of workplace safety regulations on Form FRA F 6180.119. FRA uses violation information to support actions that will reduce or eliminate hazards to railroad workers. Specifically, FRA uses the information that it collects under this regulation to monitor and enforce requirements relating to the safety of roadway workers and ensure that railroads fulfill their responsibilities to keep roadway workers secure and free from unnecessary and avoidable hazards.

Type of Request: Extension with change (revised estimates) of a currently approved collection.

Affected Public: Businesses/50,000 Roadway Workers/State Safety Inspectors.

Form(s): FRA F 6180.119.

Respondent Universe: 741 Railroads.

Frequency of Submission: On occasion.

Reporting Burden³:

CFR Section	Respondent Universe	Total Annual Responses	Average Time per Response	Total Annual Burden Hours	Total Annual Dollar Cost Equivalent
Form FRA F 6180.119 – Part 214 Railroad Workplace Safety Violation Report	350 Safety Inspectors	129 forms	4 hours	516 hours	\$29,412
214.307 – Railroad On-Track Safety Programs – RR Programs that comply with this Part + copies at System/Division Headquarters – RR Notification to FRA not less than one month before on-track safety program takes effect – RR Amended on-track safety programs after FRA disapproval – RR Written response in support of disapproved program	741 Railroads	276 programs + 325 copies	2 hours + 2 minutes	563 hours	\$42,788
	741 Railroads	276 notices	20 minutes	92 hours	\$6,992
	741 Railroads	1 program	4 hours	4 hours	\$304
	741 Railroads	1 written response	20 hours	20 hours	\$1,520
214.309 – On-Track Safety Manual – RR Provisions for alternative access to information in on-track safety manual – RR Publication of bulletins/notices reflecting changes in on-track safety manual	741 Railroads	741 provisions	60 minutes	741 hours	\$56,316
	60 Railroads	100 bulletins/notices	60 minutes	100 hours	\$7,600
214.311 – RR Written procedure to achieve prompt and equitable resolution of good faith employee challenges	19 Railroads	5 developed procedures	2 hours	10 hours	\$760
214.317 – On-Track Safety Procedures, generally, for snow removal, and weed spray equipment, tunnel niche or clearing by	19 Railroads	5 operating procedures	2 hours	10 hours	\$760
214.318 – Procedures established by railroads for workers to perform duties incidental to those of inspecting, testing, servicing, or repairing rolling equipment	741 Railroads	19 rules/procedures	2 hours	38	\$2,888

³ After an internal agency review, FRA updated the PRA estimates.

214.320 – Roadway Maintenance Machines Movement over signalized non-controlled track – RR request to FRA for equivalent level of protection to that provided by limiting all train and locomotive movements to restricted speed	741 Railroads	5 requests	4 hours	20 hours	\$1,520
214.322 – Exclusive Track Occupancy, Electronic Display – Written Authorities/Printed Authority Copy If Electronic Display Fails or Malfunctions	3 Class I Railroads	1,000 written authorities	10 minutes	167 hours	\$9,519
214.329 – Train Approach Warning – Written Designation of Watchmen/Lookouts	741 Railroads	26,250 written designations	30 Seconds	219 hours	\$16,644
214.336 – Procedures for adjacent track movements over 25 mph: notifications/watchmen/lookout warnings – Procedures for adjacent track movements 25 mph or less: notifications/watchmen/lookout warnings	100 Railroads 100 Railroads	10,000 notices 3,000 notices	5 seconds 5 seconds	14 hours 4 hours	\$798 \$228
214.339 – Audible warning from trains: written procedures that prescribe effective requirements for audible warning by horn and/or bell for trains	19 Railroads	19 written procedures	4 hours	76 hours	\$5,776
214.343/345/347/349/351/353/355 – Annual training for all roadway workers (RWs) – Records of training	50,000 roadway workers	50,000 records	2 minutes	1,667 hours	\$126,692
214.503 – Notifications for Non-Compliant Roadway Maintenance Machines or Unsafe Condition – Resolution Procedures	50,000 roadway workers 19 railroads	125 notices 5 procedures	10 minutes 2 hours	21 hours 10 hours	\$1,197 \$760
214.505 – Required environmental control and protection systems for new on-track roadway maintenance machines with enclosed cabs – Designations/additions to list	741 Railroads/ 200 contractors 692 Class III Railroads/ 200 contractors	500 lists 150 additions/ designations	1 hour 5 minutes	500 hours 13 hours	\$38,000 \$988
214.507 – A-Built Light Weight on New Roadway Maintenance Machines	692 Class III Railroads/ 200 contractors	1,000 stickers/ stencils	5 minutes	83 hours	\$4,731
214.511 – Required Audible Warning Devices for New On-Track Roadway Maintenance Machines	692 Class III Railroads/ 200 contractors	3,700 identified mechanisms	5 minutes	308 hours	\$17,556
214.515 – Overhead covers for existing on-track roadway maintenance machines	692 Class III Railroads/ 200 contractors	500 requests + 500 responses	10 mins + 20 mins	250 hours	\$17,423

214.517 – Retrofitting of Existing On-Track Roadway Maintenance Machines Manufactured On or After Jan. 1, 1991	692 Class III Railroads/ 200 contractors	500 stencils / displays	5 minutes	42 hours	\$2,394
214.523 – Hi-Rail Vehicles – Non-complying conditions	692 Class III Railroads/ 200 contractors	5,000 records	5 minutes	417 hours	\$23,769
		500 tags + 500 reports	10 minutes + 15 minutes	208 hours	\$11,856
214.527 – Inspection for compliance; Repair schedules	692 Class III Railroads/ 200 contractors	550 tags + 550 reports	5 minutes + 15 minutes	183 hours	\$10,431
214.533 – Schedule of repairs; Subject to availability of parts	692 Class III Railroads/ 200 contractors	250 records	15 minutes	63 hours	\$4,788
TOTAL	741 railroads	106,482 responses	N/A	6,359 hours	\$444,410

Total Estimated Annual Responses: 106,482.

Total Estimated Annual Burden: 6,359 hours.

Total Estimated Annual Dollar Cost Equivalent: \$444,410.

Under 44 U.S.C. 3507(a) and 5 CFR 1320.5(b) and 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Authority: 44 U.S.C. 3501-3520.

Brett A. Jortland,
Acting Chief Counsel.

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